

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

ADAM PEZEN, et al.,)	Master File No. 1:15-CV-3484
)	
Plaintiffs,)	<u>CLASS ACTION</u>
)	
vs.)	
)	
)	
FACEBOOK, INC.,)	
)	
Defendant.)	
)	

This Document Relates To: All Actions

STIPULATION TO TRANSFER OF VENUE

Plaintiffs Adam Pezen, Carlo Licata, and Nimesh Patel (collectively, “Plaintiffs”), and Defendant Facebook, Inc. (“Facebook”), in the consolidated actions captioned *Pezen et al. v. Facebook, Inc.*, No. 1:15-cv-03484 (N.D. Ill.), hereby submit this stipulation.

WHEREAS, on April 1, 2015, plaintiff Carlo Licata filed an action in the Circuit Court of Cook County, Illinois County Department, Claims Division, captioned *Licata v. Facebook, Inc.*; Facebook removed that case to this Court on May 6, 2015; and that case has been assigned Case No. 1:15-cv-04022;

WHEREAS, on April 21, 2015, plaintiff Adam Pezen filed an action captioned *Pezen v. Facebook, Inc.*, Case No. 1:15-cv-03484, in the United States District Court for the Northern District of Illinois;

WHEREAS, on May 14, 2015, plaintiff Nimesh Patel filed an action captioned *Patel v. Facebook, Inc.*, Case No. 1:15-cv-04265, in the United States Court for the Northern District of Illinois;

WHEREAS, on May 21, 2015, this Court entered Orders in the respective cases relating to the *Licata*, *Pezen* and *Patel* actions;

WHEREAS, on July 1, 2015, Facebook filed a motion to transfer these actions to the Northern District of California pursuant to 28 U.S.C. § 1404(a), arguing that Plaintiffs had agreed to Facebook's terms of service, which, among other things, require them to litigate all disputes with Facebook in California, where Facebook is based;

WHEREAS, on July 8, 2015, the Court issued an Order Appointing Interim Co-Lead Class Counsel and Setting Schedule, appointing Jay Edelson of Edelson PC, Joel Bernstein of Labaton Sucharow LLP, and Paul Geller of Robbins Geller Rudman & Dowd, LLP Interim Co-Lead Counsel. The July 8th Order also set a date for the filing of a consolidated complaint no later than 30 days after the date of an order on defendants' motion to transfer;

WHEREAS, on July 14, 2015, the Court entered and continued Facebook's motion to transfer, ordered Plaintiffs to file a response by July 31, 2015, and ordered Facebook to file a reply by August 14, 2015;

WHEREAS, Facebook has represented to Plaintiffs that (i) at all times from 2005 through the present, Facebook's terms of service contained a forum selection clause that identified the state and federal courts of California as the designated forum for disputes between Facebook and its members, and (ii) on the dates on which each of the Plaintiffs signed up for Facebook, Facebook's sign-up process required new users to click a "Sign Up" or "Register Now" button, which was accompanied by clear and prominent written notice that expressly informed newly registering members that by clicking "Sign Up" or "Register Now" the new member was agreeing to Facebook's terms of service, which were available via a hyperlink included as part of the notification language (collectively the "Represented Sign Up Process");

WHEREAS, Facebook, through the declaration of one of its employees, Jeremy Jordan, and separately through Facebook's counsel, has provided Plaintiffs with certain documents and screenshots exemplifying the terms of service and Represented Sign Up Process, and which Facebook has represented to Plaintiffs are, in fact, representative of the sign-up methodology, notification language, and terms of service that were in effect when each of the Plaintiffs joined Facebook;

WHEREAS, to avoid unnecessary delay in adjudication of the merits, and without conceding the enforceability or unenforceability of any forum selection clause in the applicable terms of service, the parties agree to transfer the consolidated actions to the Northern District of California and the filing of a consolidated complaint consistent with the July 8, 2015 Order.

Thus, IT IS HEREBY STIPULATED by the parties, through their counsel of record and subject to the approval of the Court, that these three consolidated actions are hereby transferred to the Northern District of California pursuant to 28 U.S.C. § 1404(a).

DATED: July 27, 2015

ROBBINS GELLER RUDMAN
& DOWD LLP
SHAWN A. WILLIAMS (admitted *pro hac vice*)
DAVID W. HALL (admitted *pro hac vice*)

/s/ Shawn A. Williams

SHAWN A. WILLIAMS

Post Montgomery Center
One Montgomery Street, Suite 1800
San Francisco, CA 94104
Telephone: 415/288-4545
415/288-4534 (fax)
shawnw@rgrdlaw.com
dhall@rgrdlaw.com

ROBBINS GELLER RUDMAN
& DOWD LLP
JAMES E. BARZ (IL Bar # 6255605)
FRANK RICHTER (IL Bar # 6310011)
200 South Wacker Drive, 31st Floor
Chicago, IL 60606
Telephone: 312/674-4674
312/674-4676 (fax)
jbarz@rgrdlaw.com
frichter@rgrdlaw.com

ROBBINS GELLER RUDMAN
& DOWD LLP
PAUL J. GELLER
STUART A. DAVIDSON
MARK DEARMAN
CHRISTOPHER C. MARTINS
120 East Palmetto Park Road, Suite 500
Boca Raton, FL 33432
Telephone: 561/750-3000
561/750-3364 (fax)
pgeller@rgrdlaw.com
sdavidson@rgrdlaw.com
mdearman@rgrdlaw.com
cmartins@rgrdlaw.com

ROBBINS GELLER RUDMAN
& DOWD LLP
TRAVIS E. DOWNS III
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)
travisd@rgrdlaw.com

Attorneys for Plaintiff Nimesh Patel

DATED: July 27, 2015

LABATON SUCHAROW
JOEL H. BERNSTEIN
CORBAN S. RHODES

/s/ Joel H. Bernstein

JOEL H. BERNSTEIN

140 Broadway
New York, NY 10005
Telephone: 212-907-0700
212-818-0477 (fax)
jbernstein@labaton.com
crhodes@labaton.com

Attorneys for Plaintiff Adam Pezen

DATED: July 27, 2015

EDELSON P.C.
JAY EDELSON
RAFEY S. BALABANIAN
BENJAMIN H. RICHMAN

/s/ Rafey S. Balabanian

RAFEY S. BALABANIAN

350 North LaSalle Street, 13th Floor
Chicago, Illinois 60654
Telephone: 312-589-6370
(312) 589-6378 (fax)
jedelson@edelson.com
rbalabanian@edelson.com
brichman@edelson.com

Attorneys for Plaintiff Carlo Licata

DATED: July 27, 2015

/s/ Lauren R. Goldman
LAUREN R. GOLDMAN

1221 Avenue of the Americans
New York, NY 10020
Telephone: (212) 506-2647
lrgoldman@mayerbrown.com

MAYER BROWN LLP
VINCENT J. CONNELLY
71 S. Wacker Drive
Chicago, IL 60606
vconnelly@mayerbrown.com

MAYER BROWN LLP
ARCHIS A. PARASHARAMI
1999 K Street, NW
Washington, DC 20006
aparasharami@mayerbrown.com

MAYER BROWN LLP
JOHN NADOLLENCO (admitted *pro hac vice*)
350 South Grand Avenue
25th Floor
Los Angeles, CA 90071-1503
Telephone: (213) 229-9500
jnadolenco@mayerbrown.com

Attorneys for Defendant Facebook, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that on July 27, 2015, this **Stipulation to Transfer of Venue** was electronically filed with the Clerk of the Court using the CM/ECF system and that copies of the foregoing were served on all counsel of record electronically via that system pursuant to Local Rule 5.3(a)(1).

/s/ Lauren R. Goldman
Lauren R. Goldman

Counsel for Defendant Facebook, Inc.

SIGNATURE ATTESTATION

I hereby attest that the content of this document is acceptable to all persons whose signatures are indicated by a conformed signature (/s/) within this e-filed document.

/s/ Lauren R. Goldman
Lauren R. Goldman

Counsel for Defendant Facebook, Inc.